

SENATE BILL 1228

By Harper

AN ACT to amend Tennessee Code Annotated, Title 12, Chapter 3 and Title 12, Chapter 4, relative to the enactment of the "Orphaned Information Technology Recovery Act".

WHEREAS, Information technology devices, as defined in the Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery, and sold in commerce by manufacturers that no longer sell such devices are considered "orphaned"; and

WHEREAS, The Manufacturer Responsibility Act does not address orphaned information technology devices; and

WHEREAS, An incentive is necessary to encourage manufacturers to recover orphaned devices; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, is amended by adding Sections 2 through 7 of this act as a new, appropriately designated part.

SECTION 2. This part shall be known and may be cited as the "Orphaned Information Technology Recovery Act".

SECTION 3. As used in this part, unless the context otherwise requires, "orphaned information technology device" means electronic devices sold in commerce by manufacturers that no longer sell such devices.

SECTION 4. Any person who submits a bid or proposal for a contract with a state agency for the purchase or lease of orphaned information technology devices must be in compliance with this part.

SECTION 5. A state agency that purchases or leases orphaned information technology devices shall require each prospective bidder to certify compliance with this part. Failure to provide such certification shall render a bidder or proposer ineligible for award of the contract.

SECTION 6. In considering bids for state contracts for orphaned information technology device, in addition to any other preferences provided elsewhere under state law, the state shall give special preference to manufacturers that have programs to recover other manufacturers' orphaned information technology devices, including but not limited to collection events, recycling grants, and manufacturer initiatives to take back any orphaned information technology device brand with purchase.

SECTION 7. The commissioner of finance and administration is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 8. This act shall take effect January 1, 2008, the public welfare requiring it.